

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICOLAS IBARRA,
Plaintiff,

v.

KILOLO KIJAKAZI, et al.,
Defendants.

Case No. [23-cv-01037-SI](#)

**ORDER APPOINTING LAURA
HUITRON AS GUARDIAN AD LITEM
FOR PLAINTIFF IN THIS ACTION**

Re: Dkt. No. 58

On March 29, 2024, the Court held a hearing on plaintiff Nicolas Ibarra's motion for appointment of a guardian ad litem in this case. Dkt. No. 58. Plaintiff's counsel appeared along with plaintiff's mother, Laura Huitrón, and Yahaira Ortega, a family liaison and mental health counselor II, with Behavioral Health and Recovery Services in San Mateo County.¹

Pursuant to its powers under Federal Rule of Civil Procedure 17(c), the Court finds it appropriate to appoint a guardian ad litem for Mr. Ibarra. Plaintiff's counsel confirmed at the hearing that Mr. Ibarra was recently found not competent in his state court criminal proceedings under California Penal Code § 1367. Dkt. No. 72 at 1.

Ms. Huitrón has discussed the role of the guardian ad litem with Mr. Ibarra's counsel. She has indicated that she is willing and able to serve as Mr. Ibarra's guardian ad litem in this case. This case implicates Mr. Ibarra's Social Security benefits, and Ms. Huitrón is already acting as his fiduciary, in that she is the representative payee for Mr. Ibarra on his Social Security benefits. The Court finds that she is an appropriate guardian ad litem in this case.²

¹ Ms. Ortega has worked with Mr. Ibarra's family for over a year and provided interpretation at the hearing for Ms. Huitrón, who speaks Spanish.

² The Court denies the request for an appointment of a guardian ad litem to the extent that plaintiff's original motion for appointment of a guardian ad litem asked for *plaintiff's counsel*, Steven Bruce, to be appointed as the GAL.

At the hearing, Ms. Huitrón and Ms. Ortega also indicated that they are able to attend the April 30, 2024 settlement conference with Judge Beeler and that they plan to attend in-person.

Accordingly, the Court hereby **APPOINTS** plaintiff's mother, Laura Huitrón, as guardian ad litem for plaintiff for the purposes of litigating this case in Mr. Ibarra's stead. As guardian ad litem, Ms. Huitrón may make litigation decisions in this case and enter into a legally binding settlement agreement on Mr. Ibarra's behalf.³ *See United States v. 30.64 Acres of Land, More or Less, Situated in Klickitat Cnty., State of Wash.*, 795 F.2d 796, 805-06 (9th Cir. 1986) ("... notwithstanding the incompetency of a party, the guardian may make binding contracts for the retention of counsel and expert witnesses and may settle the claim on behalf of his ward. . . .").

IT IS SO ORDERED.

Dated: March 29, 2024



SUSAN ILLSTON
United States District Judge

³ This appointment is limited to the litigation in this case.